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July 27, 1998

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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JUL 27 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 94-129
Ex Parte Presentation

Ladies and Gentlemen:

On July 27, 1998, David Cosson and Thomas J. Moorman met with Glenn Reynolds and Anita Cheng of the Commission's Common Carrier Bureau Enforcement Division to discuss the attached proposed wording for inclusion in the Commission's forthcoming rules in the captioned-proceeding. The meeting was requested on behalf of several rural local exchange carriers which have been threatened with litigation regarding their verification of Primary Interexchange Carrier change requests. During the meeting, the attached information was provided to Mr. Reynolds and Ms. Cheng.

Should there be any questions, please contact me at the number listed above.

Sincerely,


David Cosson

Attachment

cc: Glenn Reynolds, Assistant Chief, Enforcement Division
Anita Cheng, Attorney, Enforcement Division

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082

PIC Change Verification by Rural LECs

1. Several LECs have instituted a PIC change verification process. This process is performed in a prompt and competitively neutral manner and has minimized the volume of subscriber complaints regarding unauthorized PIC changes ("slamming").
2. These slamming complaints adversely impact the excellent relations that LECs have with their subscribers and require a substantial amount of time and resources to resolve.
3. Verification protects consumers from unauthorized PIC changes which occur in spite of a submitting carrier's purported compliance with the existing FCC Rules.
4. Verification is more effective and efficient than having to change back subscriber's PICs, refund the PIC change charge, and bill and collect the unauthorized PIC charge from the IXC.
5. The proposed FCC Rules should be revised to include the following language:

§ 64.1160 Changes in Subscriber Carrier Selection

(a) Prohibition. No telecommunications carrier shall.... Nothing in this section shall preclude any State commission from enforcing these procedures with respect to intrastate services or preclude an executing carrier from verifying the subscriber's authorization for the change request in a prompt and competitively neutral manner.

....

(2) Where the submitting carrier has complied with § 64.1160(a) but the executing carrier executes the change inconsistent with the subscriber carrier change selection, the executing carrier will be solely liable for violating § 64.1160(a); provided that an executing carrier is not liable and need not execute the change where it determines, in accordance with § 64.1160(a) that the change was not authorized by the subscriber.